HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25265 of 2006

Dated:06.12.2006

Between:

Smt.Shoukath Begum and others.

…Petitioners

and

Y.Narasimha Reddy and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25265 of 2006

ORDER:

One Vithabai Myskar, resident of Nizamabad, filed L.G.O.P.No.7 of 1989 on the file of the Special Tribunal constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short 'the Act'), Nizamabad. The Special Tribunal by an order, dated 27.06.2005, declared the respondents/opposite parties therein as land grabbers and ordered their eviction. A copy thereof was sent to the office of the fourth respondent. In accordance with Rule 15(2) of the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988 (for short 'the Rules'), the fourth respondent issued an advice/direction in Form-V to the Mandal Revenue Officer to take possession of the land/premises bearing House No.7-3-36/2 with an area of 35'X200' in Survey No.1322 situated at Nirmal from M/s.Abdul Majeed Khan, Abdul Hameed Khan, Abdul Sayeed Khan, Abdul Ayyub Khan, Akthar Begum, Sikandar and Arifa Sulthana residents of Nirmal Village. In obedience thereto, it appears, the Mandal Revenue Officer/his subordinates went to the petitioners' premises bearing No.7-3-37/1 for taking possession. Apprehending coercive action, the petitioners filed the present Writ Petition alleging that they are the owners of H.No.7-3-37/1, which is different from petition schedule

property in L.G.O.P.No.7 of 1989, and therefore, respondents 4 and 5 cannot evict the petitioners. They also refer to the suit, being O.S.No.14 of 2003, filed by them for perpetual injunction, which is now pending on the file of the Court of the Senior Civil Judge, Nirmal (renumbered as O.S.No.17 of 2003). In the said suit, the petitioners allegedly also obtained *ad interim* injunction in I.A.No.966 of 2003.

When the fourth respondent issued Form-V under Rule 15(2) of the Rules, it is incumbent on the Officer authorized, namely, the Mandal Revenue Officer to implement the same, as it is the mandate of Rule 15 of the Rules to enforce the orders passed by the Special Court/Special Tribunal constituted under the Act. The same cannot be faulted. In case there is a dispute regarding the identity of the property, which formed part of the suit schedule, the person in occupation can raise an objection before the Revenue Divisional Officer. The petitioners may do so. Further, a reading of Form-V would show that the decree passed by the Special Tribunal was not only in respect of House No.7-3-36/2, but also the area of land admeasuring 30'X200' in Survey No.1322 of Nirmal. The petitioners do not dispute that their property is also in Survey No.1322 of Nirmal. In this Writ Petition, the petitioners, in effect, seek to prohibit respondents 2 and 4 from enforcing the orders of the Special Tribunal in accordance with Rule 15 of the Rule, which cannot be countenanced.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

06.12.2006
vs